

Regular Meeting.....	November 19, 2003
Location	6900 Atmore Drive Richmond, Virginia
Presiding.....	Clay B. Hester, Chairman
Present.....	James H. Burrell Donald L. Cahill Jacqueline F. Fraser Reneé Trent Maxey R. W. Mitchell Sterling C. Proffitt W. Randy Wright
Absent	Gregory M. Kallen

6900 Atmore Drive, Richmond, Virginia

I. Board Chairman (Mr. Hester)

The *MOTION* was duly made by Mr. Mitchell and seconded by Mr. Burrell. During the call for discussion, Ms. Maxey noted several omissions to the draft minutes that had been distributed. They were brought to Ms. Woodhouse's attention, changes were made, and the Board minutes for signature today reflect all changes. Ms. Maxey explained the changes for the benefit of the Board.

Page 6, under Item V.1., a new paragraph was inserted to reflect the Board's approved motion for the Community-Based Corrections Plan for Botetourt and Craig Counties. Page 8 under State Facilities will read Southampton Reception & Classification Center and Southampton Reception & Classification Center will be noted as being approved for three waivers. Page 9 under Jail Inspections will list two additional facilities: Blue Ridge Regional Jail (Moneta ADC) and Norfolk City Jail.

With the explanations provided and there being no further discussion, the minutes for signature were accepted as presented, and the call for motion on the September Board minutes went forward. The *MOTION* was unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Cahill, Fraser, Maxey, Mitchell, Proffitt). Mr. Wright was not present at the time of the vote. Mr. Kallen was absent. As a tie-breaking vote was not necessary, the Chairman's vote was not noted.

2) Board Committee Assignments for 2004

Mr. Hester noted that in September he had stated he would be making committee assignments at the November Board meeting. In the interim he determined there was no reason to wait and went forward with making the assignments. Each member has been notified of and has accepted their assignment. (For the members' benefit, a listing of member committee assignments was included in the package.) There was no discussion on this item, and no action is required by the Board.

3) Review/Approval of Proposed 2004 Board Meeting Dates

The Chairman noted that each member had received a copy of the proposed 2004 meeting dates in their package. There being no questions or discussion, by *MOTION* duly made by Mr. Burrell, seconded by Mr. Wright and unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Cahill, Fraser, Maxey, Mitchell, Proffitt, Wright), the schedule was accepted as presented. Mr. Kallen was absent. As a tie-breaking vote was not necessary, a vote by the Board Chairman was not noted.

II. Public/Other Comment

The Chairman noted there were no members of the general public appearing to speak to the Board. He stated Board Member comments will be entertained later in the meeting.

III. Liaison Committee (Mr. Hester for Mr. Proffitt)

The Committee met on November 18. Mr. Bert Jones presented an update to the St. Brides construction projects to the Committee. Mr. Elliott followed with a report on the population for jails and prisons. Following Mr. Elliott's presentation, the Chairman noted there was discussion concerning the out-of-compliance numbers. Both Deputy Secretary Green and Director Johnson were present for the discussion. The Director suggested the possibility of making some arrangement for less secure dormitories for misdemeanants in order to free up some much-needed, secure bed space within the Department. He noted that everyone was working together but that the Department is running out of options.

Mr. Matthews from the State Compensation Board presented an abstract of jails in Virginia, comparing today's figures to those in the Commonwealth in 1989. Compliance figures then and now were discussed in some detail, as was a cost breakout for jails for fiscal year 2002 to include costs per year and per day for all jails (regional and county/city) across the Commonwealth. His report was well received and has been included in the Board file for reference.

Mr. Hester noted in closing that Committee Chairman Cherry remarked on how helpful DOC staff always is to Sheriffs and Superintendents, and how much that help is

appreciated. There being no questions, the Committee report was concluded. The report was for informational purposes only, and no Board action is required.

IV. Administration Committee (Mr. Cahill)

There were no agenda items, and Mr. Cahill noted for the record that he had nothing to discuss at this time.

V. Correctional Services Committee Report/Policy & Regulations (Ms. Maxey)

By *MOTION* duly made by Ms. Maxey and seconded by Mr. Cahill, the following recommendations were presented to the Board for approval:

Unconditional Certification to include APPROVAL of waivers to Standard(s) for:

James River Correctional Center – Standards 3-4128.1, 3-4130, and 3-4148.

St. Brides Correctional Center – Standards 3-4128.1, 3-4134, 3-4136, 3-4145, 3-4204, 3-4306, 3-4455.

Wise Correctional Field Unit #18 – Standard 3-4136;

And, **Unconditional Certification as a result of 100% compliance** with their certification audits for:

Altavista Town Lockup; Buckingham County Lockup; Franklin County Jail; Henrico County Jail East; Madison County Lockup; and Vinton Town Lockup;

And, **Unconditional Certification** for:

Halifax Adult Detention Center (BRRJ); Dickenson County Jail; and Probation & Parole District #2 (Norfolk), District #6 (Suffolk), District #11 (Winchester), District #20 (Bedford), and District #29 (Fairfax);

And, **Unconditional Certification as a result of 100% compliance** with their certification audits for:

Gloucester County Jail and Martinsville City Jail/Annex with approval of requests from each to hold male and female juveniles in accordance with Section 16.1-249(g) of the Code of Virginia.

There being no discussion, the *MOTION* was unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Cahill, Fraser, Maxey, Mitchell, Proffitt, Wright). Mr. Kallen was absent. As a tie-breaking vote was not necessary, the Chairman's vote was not noted.

Ms. Maxey noted that it is the Committee's recommendation that action with reference to the **Northampton County Jail** be deferred to the January meeting. If agreed, a letter will be written and mailed to the Sheriff and Judges in Northampton County, which letter

will invite the Sheriff to Richmond in January to meet with the Committee to discuss the Board's concerns. It was agreed that the letter will be written to the Sheriff for the Chairman's signature. No other action is required by the Board at this time.

Jails achieving **100% compliance on their unannounced inspections** were noted for the record. This was provided for informational purposes only. No Board action is required. The facilities are: **Amherst County Jail; Blacksburg Town Lockup; Fairfax County Mt. Vernon Lockup; Fairfax County Mason Street Lockup; Hampton Roads Regional Jail; Montgomery County Jail; Peumansend Creek Regional Jail; and Roanoke County Jail.**

Motion to Approve Suspension of Certain 2003 Unannounced Inspections

A copy of the proposed motion was included in each member's package. By *MOTION* duly made by Ms. Maxey, seconded by Mr. Cahill and unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Cahill, Fraser, Maxey, Mitchell, Proffitt, Wright), the following language was read into the record:

"The Board of Corrections, in recognition of the outstanding achievement of 100% compliance with Standards, approves suspension of the 2003 annual inspection for the jails and lockups noted below:

Altavista Town Lockup; Buckingham County Lockup; Franklin County Jail; Gloucester County Jail; Henrico Regional Jail – East; Martinsville City Jail & Annex; Madison County Lockup; Newport News City Jail & Farm; and Vinton Town Lockup."

Mr. Kallen was absent. As a tie-breaking vote was not necessary, the Chairman's vote was not noted.

Motion to Approve Community-Based Corrections Plan for Prince William County and the City of Manassas

A copy of the proposed motion was included in each member's package. There being no discussion, by *MOTION* duly made by Ms. Maxey, seconded by Mr. Cahill and unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Cahill, Fraser, Maxey, Mitchell, Proffitt, Wright), the following language was read into the record:

"The Board of Corrections approves Prince William County's and the City of Manassas' Community-Based Corrections Plan in support of their need to renovate and construct a 200-bed addition to the Prince William/Manassas Adult Detention Center."

Mr. Kallen was absent. As a tie-breaking vote was not necessary, the Chairman's vote was not noted.

Motion to Approve Request by Prince William County and City of Manassas Regional Jail Board for a Modification to Board Construction Standards

A copy of the proposed motion was included in each member's package. There being no discussion, by *MOTION* duly made by Ms. Maxey, seconded by Mr. Cahill and unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Cahill, Fraser, Maxey, Mitchell, Proffitt, Wright), the following language was read into the record:

"The Board of Corrections approves the Prince William/Manassas Regional Jail Board's request for a modification to Board Standard 5.3A. of the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities to allow the construction of 50-bed housing pods in its proposed 200-bed jail expansion project."

Mr. Kallen was absent. As a tie-breaking vote was not necessary, the Chairman's vote was not noted.

Motion to Approve Prince William County and the City of Manassas' Request for State Jail Construction Funding Reimbursement

A copy of the proposed motion was included in each member's package. There being no discussion, by *MOTION* duly made by Ms. Maxey, seconded by Mr. Cahill and unanimously *APPROVED* by verbally responding in the affirmative (Burrell, Cahill, Fraser, Maxey, Mitchell, Proffitt, Wright), the following language was read into the record:

"The Board of Corrections approves the request of Prince William County and the City of Manassas for jail construction funding reimbursement in the amount of \$15,899,612 or 50% of approved eligible costs of \$31,799,223. Such reimbursement is subject to the availability of funds and contingent on any required modifications to plans that may be necessary to comply with the Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities in accordance with Section 53.1-80 through 82 of the Code of Virginia."

Mr. Kallen was absent. As a tie-breaking vote was not necessary, the Chairman's vote was not noted.

Policy & Regulations

Ms. Maxey noted that Committee members had suggested revisions be made to the Board's By-Laws to delete reference to the Finance and Budget Committee. She noted the item will be included on the Board agenda for action in January. In the meantime, she provided each member a copy of a memo outlining the proposed changes as well as a copy of the By-Laws reflecting the proposed changes for their information. No action is required by the Board at this time.

VI. Other Business (Mr. Johnson)

As a follow up to the Liaison Committee meeting, the Director noted that the Department is in a tough situation with the current backlog but it is working as best it can with all jails to try to keep up with the situation. He stated that if a jail calls and is in a real bind or if they have a particular case that is causing a problem, the Department will do whatever it can to bring the person in. Mr. Proffitt asked if there had been any litigation instituted by local jails as a result of the jail overcrowding. The Director responded that a number of jails have indicated at some point they may file suit, but none have as of November 18.

Mr. Johnson stated there recently was some news concerning the privatization of commissaries within the state system. An RFP was put out, and a vendor was ultimately selected. Initially, seven facilities were piloted within the Department, and the project went extremely well. 25 other facilities have now signed on. He noted that even though the Department is saving money by privatizing the commissary function, it has not lost profits, which are used for inmate welfare. He noted some local vendors who once sold to the Department and who were not awarded the contract were upset and had filed suit, which case was ultimately dismissed.

Other general question and answer was held.

VII. Closed Session

There was no Closed Session as there were no items to be discussed.

VIII. Member and General Comment

Mr. Ron Elliott commented about Mr. Matthews' presentation to the Liaison Committee meeting. He illustrated some comparisons for everyone's benefit. He noted that the average daily population since 1989 has increased to 90%. There are 125% more jail beds today than there were back then. He remarked localities have done a good job constructing. He noted that the out-of-compliance figure in 1989 was 3,000. Today it sits at 2500+. He remarked that jail cell sizes have increased since 1989 when they were 35 square feet. Today, they are 70 square feet. He stated that jails today are much better able to handle inmates than they were in 1989 and that Mr. Matthews' report very much puts the whole situation into perspective; that the state is much better off today than it was in 1989.

Ms. Scott reported that the Department had recently been cited by the EPA for violations occurring at the Greenville Correctional Center. Some violations had to do with the VCE operation there and its storage and disposal procedures for hazardous materials. The facility was cited for spill management. The EPA advises that the Department can pay a fine, appeal the findings, or offer an informal settlement. The Department is proceeding with the informal settlement and will be meeting with the EPA in

Washington. As a result of the findings, the Department will pursue audits, training, and compliance oversight to ensure that the problems do not occur again.

Mr. Cahill commented on Northampton County Jail. He noted that their problems have been ongoing for many years and have reached a critical point several times. He stated it is well understood that they have physical plant problems, but his concerns deal more with the Life, Health, Safety issues, which are ongoing and cause repeated violations. And he is concerned about the facility's blasé attitude in addressing the problems. He stated he hopes the Department will seriously think about pulling state prisoners out due to the liability issue. Mr. Proffitt echoed Mr. Cahill's comments and also stated that there is no excuse for the repeated Life, Health, Safety violations.

Mr. Proffitt noted recent events concerning Mr. Alan Rasmussen and hoped everyone would keep Alan in their thoughts during this time.

Mr. Wright apologized for his lateness in arriving. He commented on his appreciation for his committee assignment and also congratulated Mr. Hester on his Chairmanship.

There being no further discussion, the Chairman moved to conclude the meeting.

Future Meeting Plans

In conclusion, the Chairman noted that meeting plans have been approved for 2004. For the purposes of the record, the January meetings are scheduled as follows:

Liaison Committee – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, January 13, 2004.

Correctional Services/Policy & Regulations Committee – 1:00 p.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, January 13, 2004.

Administration Committee – 9:30 a.m., Room 3065, 6900 Atmore Drive, Richmond, Virginia, January 14, 2004.

Board Meeting – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, January 14, 2004.

IX. Adjournment

There being nothing further, by *MOTION* duly made by Mr. Cahill, seconded by Mr. Wright and unanimously *APPROVED* by those members in attendance (Burrell, Cahill, Fraser, Maxey, Mitchell, Proffitt, Wright), the meeting was adjourned. Mr. Kallen was absent, and a vote by the Board Chairman was not necessary.

CLAY B. HESTER, CHAIRMAN

(Signature copy on file)

RAYMOND W. MITCHELL, SECRETARY